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Justin LaBarge; Scott Frederick;
Lolly Randall; Christian Duke*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER
AIR TRANSPORTATION
ANTITRUST LITIGATION**

) Case No. 07-cv-05634-CRB

) MDL No. 1913

This Document Relates to:

ALL ACTIONS

**) MEMORANDUM IN SUPPORT OF
) MOTION FOR APPOINTMENT OF
) INTERIM LEAD COUNSEL FILED BY
) PLAINTIFFS DONALD WORTMAN,
) WILLIAM ADAMS AND MARGARET
) GARCIA**

On November 30, 2007 Plaintiffs Thomas Schelly, Michael Benson, and Tori Kitagawa, through their counsel Saveri & Saveri, Inc., filed a class action Complaint against Air New Zealand, All Nippon Airways, Cathay Pacific Airways, China Airlines, EVA Airlines, Japan Airlines International, Malaysia Airlines, Northwest Airlines (since dismissed), Qantas Airways, Singapore Air, Thai Airways, and United Airlines. *Schelly, et al. v. Air New Zealand, et al.*, 07-6071-MMC, (“Schelly”). Saveri & Saveri, Inc. also represents Plaintiffs in four other actions against Air New Zealand, et al.: Justin LaBarge, filed on January 23, 2008, *LaBarge v. Air New Zealand, et al.* 08-0487-SC; Scott Frederick, filed on January 25, 2008, *Frederick v. Air New Zealand, et al.*, 08-0615-MEJ; Lolly Randall, filed on February 12, 2008, *Randall v. Air New Zealand, et al.*, 08-0909-JCS; and Christian Duke, filed on February 26, 2008, *Duke v. Air New Zealand, et al.*, 08-1142-EMC (collectively, “the Saveri Actions”).

The Saveri Actions share common issues of law and fact with the *In Re Transpacific Air Passenger Antitrust Litigation*, MDL No. 1913 (“*Transpacific Litigation*”), currently before this Court. The *Schelly*, *LaBarge*, and *Frederick* actions have been treated as potential tag-along actions by the Judicial Panel on Multidistrict Litigation’s Feb 19, 2008 Order transferring the *Transpacific Litigation* to this Court. Plaintiffs from the remaining two Saveri Actions expect their cases will soon be related to the pending *Transpacific Litigation*.

On February 20, 2008 Plaintiffs Wortman, Adams, and Garcia, represented by the law firm of Cotchett Pitre & McCarthy (“The Cotchett Firm”), moved for appointment as Interim Lead Counsel of the *Transpacific Litigation*. On November 6, 2007 the Cotchett Firm filed the first *Transpacific Litigation* class action alleging a price fix on Transpacific flights. All Complaints since then have been modeled on or pegged off of the Cotchett complaint. The Cotchett Firm has worked with counsel in the other *Transpacific Litigation* actions coordinating

1 the efforts of Plaintiffs and their counsel. Given the Cotchett Firm's initial investigation and
2 filings, it is appropriate that it serves as Interim Lead Counsel in these coordinated class actions.
3 For these reasons, and the reasons put forth in Wortman, Adams, and Garcia's Motion, the
4 Plaintiffs and law firms from the Saveri Actions support the appointment of The Cotchett Firm as
5 Interim Lead Counsel.
6

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8 Dated: March 7, 2008

Respectfully Submitted

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